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action. It is argued that the civil action for libel is given primarily to re-establish the character of the injured person, not to redress injured feelings, that since every man stands for himself and not by his family's character, no legal injury has been done to surviving relatives. So construed are the words "concerning the plaintiff" when civil action for libel is defined (Cal. Code Civ. Proc., § 460; in addition to principal case see Skrocki v. Stahl (1910) 14 Cal. App. 1, 110 Pac. 957; Sorenson v. Balaban (1896) 11 App. Div. (N. Y.) 164, 42 N. Y. Supp. 654, 4 N. Y. Ann. Cas. 7; Wellman v. Sun Printing Assn. (1892) 66 Hun. (N. Y.) 331, 21 N. Y. Supp. 577). Damages have been given to a husband for libel of his wife resulting in her nervous prostration on the theory of loss of services (Garrison v. Sun Printing Assn. (1912) 207 N. Y. 1, 74 Misc. Rep. (N. Y.) 622, 100 N. E. 430, 134 N. Y. Supp. 670, 45 L. R. A. (N. S.) 766; Ann Cas. 1914C 288). Admitting that no right exists in relatives to prevent others from publishing fair statements concerning their dead (Schuyler v. Curtis (1895) 147 N. Y. 434, 42 N. E. 22, 31 L. R. A. 286, 49 Am. St. Rep. 671), yet a libel on a dead man reflects, most often intentionally, on the surviving relatives. Family reputation shapes any individual's reputation. On the continent the principal case would have been decided for the plaintiff, for in civil law countries following the Roman law (Dig., 47, 10, 11) relatives are given a right to damages for a libel on the dead, if the libel is intended to insult and libel the living; the presumption is that such libel is intended so to insult the dead man's family (cf. Labori, Repertoire due Droit Francaise, Presse Outrage, § 370, French Press Law of July 29, 1881). In Germany an absolute right to sue is given if the libeled person is a parent or grandparent to the plaintiff. Under this statute it is said the late Kaiser wished to sue persons who libelled his great-grandfather, but being outside of the class entitled to the presumption, unsuccessfully attempted to persuade his aunt, the Grand Duchess of Baden, to sue. In our law, when a criminal act injures an individual specially, civil redress is given; only in criminal libel is this right absent. Apparently the right to reputation has an imperfect remedy.

Book Reviews

HANDBOOK ON THE LAW OF PERSONS AND DOMESTIC RELATIONS. By Walter C. Tiffany. Third edition by Roger W. Cooley. St. Paul. West Publishing Co., 1921. pp. xiv, 769.

In this, the third edition of a widely used and deservedly popular manual, the editor has made few changes except by incorporating some recent decisions. The law of persons is one with which legislation is constantly busy, but a thorough knowledge of its historical development is of peculiar importance, if for no other reason than that the legislative changes are specific and date from a precise moment, so that rights vested under an earlier situation are seldom affected.

Mr. Cooley announces in his preface that he has made no attempt to present under the chapter on Master and Servant more than a brief reference to the enormous changes caused by the Workmen's Compensation Law.

In a manual that professes no purpose except that of introducing students to a difficult topic, it seems ungrateful to note lacunae. Yet the following matters might well have been added, however elementary the treatise is. Where a special marriage bar exists, such as miscegenation, it would have been more useful to mention the states that have it, rather than refer to Stimson's Statute Law (p. 31). Again, although *Craig v. Van Bebber*, 100 Mo. 584, is cited three times in capitals, no mention is made of the long and admirable note to this case in 18 Am. St. Rep. 569. This omission, as well as that of *Hall v. Butterfield*, 59 N. H. 354, was noted by Professor Warren in his review of the 2nd ed., 23 Harvard Law Review 158. Reviews that make constructive suggestions of this sort ought not to be simply ignored.

It might have been well to note that *Combs v. Hawes*, 2 Cal. Unrep. 555, 8 Pac. 539, was decided under C. C. sec. 35 and not under the general common-law rule about returning consideration on the part of an infant. Indeed this very special provision of the Field Code is not mentioned at all, although reference is made to a similar statute in Oklahoma (p. 510).

The section on Community Property (pp. 150-155) is cursory and unsatisfactory, even for elementary purposes. Some attempt might have been made to classify the theories represented by the California, Texas and Washington courts. (Cf. Evans, *The Ownership of Community Property*, 35 Harvard Law Review 47.)

Max Radin.

INTERNATIONAL LAW CHIEFLY AS INTERPRETED AND APPLIED BY THE UNITED STATES. Charles Cheney Hyde. Little, Brown and Company, Boston, 1922. 2 vols., octavo, lix and 832 pages, and xxvii and 925 pages.

This major and epochal work ranks in scientific value and delight of reading with the similar, though far earlier treatises of Wheaton and Halleck; and in large measure and by reason of official and general associations of the author in the State Department and with the most highly regarded juridical authorities of our day, Hyde's International Law will be accepted as a continuance of Moore's Digest and as an epitome of the best contributions to the American Journal of International Law for the notable period of 1907 to 1921.

Limiting his examination in the main to international law matters wherein the United States has taken action, the author avers that the "authentic American understanding of what the principles of international law really are" is "the only scientific basis" on which the "United States, whether at the Hague or elsewhere, may participate intelligently and worthily in the common effort to render the law of nations closely responsive to the just and changing demands of civilization." The principles and system of treatment of them, however, are the same as with all leading authors since Grotius. Of recent works Hall and Oppenheim have the simple title "International Law," De Louter adds the words